

REMARKS

Claim Amendments

Claim 13 has been amended to remove language that is no longer suitable for broad claim interpretation.

Claim Rejections – 35 USC 112

Claim 1 was rejected under 35 USC 112, second paragraph, as being indefinite. In response, claim 1 has been amended to clarify the introductory language.

Claims 1 to 12 Rejections – 35 USC 102

Claims 1 to 4, 6, 7, 9 and 11 were rejected under 35 USC 102(b) as being anticipated by Goswami, US Patent no. 5,993,738. Since a rejection under 35 USC 102(b) for anticipation requires that the single reference teach each and every element of the rejected claim (Atlas Powder v. E.I. DuPont, 750 F.2d 1569 (224 USPQ 409)(Fed. Cir. 1984)), applicant respectfully traverses this rejection in view of the amendment to the first claim.

In particular, Goswami fails to disclose an apparatus including a plurality of stick lamps, where at least some stick lamps are installed with their lower ends secured in a lamp rack assembly and their upper ends installed in a frame such that the long axis of each of the at least some stick lamps extends vertically. Although the Examiner alleges that Goswami teaches a "UV lamp array ... capable of being placed in ... vertical forms", applicant submits that being "capable of" does not meet the requirements for a 35 USC 102(b). Furthermore, Goswami clearly does not teach the further elements of claim 1 noted above. Applicants therefore request reconsideration and withdrawal of the rejection based on Goswami, US Patent no. 5,993,738.

Claims 1 to 12 Rejections – 35 USC 103

Claims 5 and 8 were rejected under 35 USC 103(a) as being unpatentable over Goswami in view of Choate, US Patent no. 5,253,641. Reconsideration in this regard is

respectfully requested in view of the amendments to claim 1. In particular, Choate fails to add anything to Goswani that would render claim 1 and therefore claims 5 or 8 obvious.

Claims 10 and 12 were rejected under 35 USC 103(a) as being unpatentable over Goswani in view of Tabatabaie-Raissi et al, US Patent no. 5,842,110. Reconsideration in this regard is respectfully requested in view of the amendments to claim 1. In particular, Choate fails to add anything to Goswani that would render claim 1 and therefore claims 10 or 12 obvious.

Claims 13 to 15 Rejections – 35 USC 102

Claims 13 to 15 were rejected under 35 USC 102(b) as being anticipated by Lincoln et al, US Patent no. 5,935,525. In view of the requirements of a rejection under 35 USC 102(b), applicant respectfully traverses this rejection.

In particular, Lincoln et al fail to disclose a method including urging a treated airflow into a workspace. The Examiner alleges that this is taught at column 12, lines 9 to 14, but clearly no mention of a workspace is disclosed in that section. Instead, Lincoln et al clearly disclose at column 6, lines 18 and 19, that treated air is exhausted to the environment through a stack. This is not at all similar to the present method. In particular, the present method is intended to take non-contaminated air, introduce hydroxyl radicals thereto and urge that treated air into the contaminated air in a work place, to thereby decontaminate that workplace air. Lincoln et al teaches a different method wherein contaminated air containing NOx, VOCs, etc. is treated so that it can be released to the environment. Lincoln never discloses that this treated air should be introduced to a workplace.

In view of the foregoing, applicant requests favourable reconsideration and withdrawal of the rejections of claims 13 to 15.

New Claims

New claim 23 has been added, which corresponds to claim 1 but is directed to an apparatus without reference to a workplace and referencing gas rather than air. As such, claim 23 continues to recite the elements that render that aspect of the invention patentable over the cited reference.

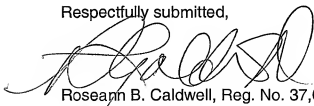
New claim 30 has been added to, which defines a lamp cleaning spray down system. None of the cited references are believed to teach such an element. As such claim 30 is patentable over the cited references.

New claim 41 has been added based on the subject matter of original claims 1 and 8. Claim 8 was rejected as being unpatentable in view of the combination of Goswani and Choate. However, it is submitted that neither Goswani nor Choate teach or suggest, alone or in combination a flexible conduit mounted to an exhaust aperture downstream of an array of ultraviolet lights. As such claim 41 is patentable over the cited references.

Conclusions

Applicant has addressed all rejections raised by the Examiner. Applicant submits that claims 1 to 55 are in a condition for allowance and such allowance is respectfully requested.

Respectfully submitted,



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